

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the remarks below.

Allowed Claims

Initially, the applicant gratefully acknowledges the allowance of claims 1 and 3-21.

Since the outcome of the determination of the patentability of claims 22-30 and 34-37 is still remaining, no limitation on the scope of allowed claims 1 and 3-21 should be inferred from the arguments below since those claims have already been indicated as having allowable subject matter.

35 U.S.C. §112 Rejections

In the Office Action, claims 22-29 were rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In particular, the language as written in claims 22, 24, 26, and 28 allegedly renders the claims indefinite, because it is unclear whether the claims are dependent or independent. Applicant respectfully, but most strenuously, traverses this rejection for the reasons below.

37 CFR 1.75(c) along with MPEP §608.01(i) and 608.01(n). II, states that claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent and further limit a preceding claim.

With regard to method claims 22, 24, 26, and 28, these claims are proper dependent method claims as they include all the limitations of the independent claim 1, 13, 17, and 21, respectively, and further limit the preceding claim by requiring the step of "operating the apparatus to form a plurality of at least one of slices and grooves

circumferentially around portions of the tread surfaces of the tire." In addition, these claims are in the same statutory class as claims 30, 31, and 34-37.

It is respectfully submitted that claims 22-29 are proper dependent claims and withdraw of this rejection is respectfully requested.

35 U.S.C. §102 Rejection

In the Office Action, claims 30 and 34-37 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Williams (U.S. Patent No. 4,515,200). Applicant respectfully, but most strenuously, traverses this anticipation rejection for the following reasons.

Initially, Williams discloses a method for cutting grooves in the side of a tire and whitewalling vehicle tires in a series of functional steps, employing an apparatus which comprises a tire buffing assembly swively mounted upon an arm assembly allowing adjustment of the buffing assembly.

When asserting a §102 rejection, it is well established that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function.

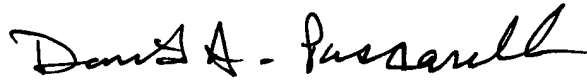
Williams fails to disclose the same elements or function for forming a plurality of slices or grooves in the tread surfaces of a tire. As noted above, Williams which discloses cutting grooves in the side of a tire, fails to disclose "forming a plurality of at least one of slices and grooves about 1/32-inch to about 1/16-inch deep into the tread surfaces of the tire while maintaining the thickness of the tread" as recited in independent claim 30 and amended independent claims 34 and 35. Dependent claims 31, 36, and 37 are believed allowable for the same reasons noted above in connection with independent claims 30 and 35 from which they directly or ultimately depend, as well as for their own additional features. Withdrawal of the rejection of these claims is respectfully requested.

CONCLUSION

Applicant believes that the application is in condition for allowance, and such action is respectfully requested. Early passage of the subject application to issue is earnestly solicited.

If a telephone conference would be of assistance in advancing the prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,

A handwritten signature in black ink, reading "David A. Pascarella". The signature is written in a cursive style with a horizontal line underneath the name.

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